

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BRIGHT DATA LTD.

v.

CODE200, UAB, ET AL.

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Case No. 2:19-CV-0396-JRG

JOINT STATUS REPORT REGARDING MEDIATION

Pursuant to the Court’s November 17, 2021 mediation orders (“Mediation Order”)¹ entered in each of the *Bright Data Ltd. v. Teso LT, UAB et. al.*, Case No. 2:19-CV-00395 (“*Teso* Action”), *Bright Data Ltd. v. Code200, UAB et. al.*, Case No. 2:19-CV-00396 (“*Code200* Action”) and *Bright Data Ltd. v. Tefincom S.A.*, Case No. 2:19-CV-00396 (“*Tefincom* Action”) (collectively, “Related Actions”) and subsequent orders regarding the same, the Parties held an in-person mediation on January 6, 2021 before Judge Folsom regarding the Related Actions. Pursuant to the Court’s December 15, 2021 Order (“Stay Order,” Dkt. 543) in the *Teso* Action, Plaintiff Bright Data Ltd. (“Luminati”) and Defendants Teso LT, UAB, Metacluster LT, UAB and Oxysales, UAB (collectively, “Defendants”) respectfully file this Joint Status Report.² The mediation concluded without a resolution of any of the Related Actions.

Plaintiff’s Position: Bright Data engaged in mediation in good faith, but the mediation concluded without any resolution. Although Defendants professed to need a stay of the actions to focus on settlement, in fact they used that time to (1) file an IPR petition on December 23, 2021

¹ The same Mediation Order was entered in each of the *Teso* Action (Dkt. 528), *Code200* Action (Dkt. 255), and *Tefincom* Action (Dkt. 176).

² While only the Stay Order in the *Teso* Action included the Joint Status Report requirement, out of an abundance of caution, this same status report is being filed in all Related Cases.

supported by an expert declaration signed the same day against a Bright Data patent that is not even at issue in the lawsuits, thus expanding the disputes among the parties, and (2) preparing a new patent infringement complaint that they filed on January 7, 2022 the morning after the mediation entitled *Metacluster LT, UAB v. Bright Data Ltd.*, Case No. 2:22-cv-11 (only four days after Defendants opposed the lifting of the Stay Order on the grounds that “Bright Data has a history of filing new lawsuits against Oxylabs on the verge of significant case events.” *Teso* Action, Dkt. 564 at 2).³ Bright Data believes these actions are consistent with Defendants’ general posture regarding the settlement process and evince that the mediation discussions have now concluded without a settlement being reached in any of the matters.

Defendants’ Position: Defendants have been fully engaged in the mediation process. Four client representatives traveled from Lithuania to Dallas, Defendants arrived at the mediation with multiple options to reach a resolution and fully participated in the process. In spite of these efforts, the matters did not resolve.

Dated: January 10, 2022

Respectfully submitted,

/s/ Ronald Wielkopolski

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³ Oxylabs has widely publicized its new complaint including through a press release and its own webpage touting its litigation against Bright Data. See e.g. <https://markets.businessinsider.com/news/stocks/oxylabs-sues-bright-data-in-patent-infringement-case-1031088447>, <https://www.yahoo.com/now/oxylabs-sues-bright-data-patent-144400197.html> and <https://oxylabs.io/legal-timeline>.

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Counsel for Defendants Code200, UAB, et al

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 10th day of January, 2022, with a copy of this document via electronic mail.

/s/ Ronald Wielkopolski